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JUL 16 2004

P/222-54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Daniel ENGVALLI, et al.

Date: July 16, 2004

Serial No.: 09/763,312

Group Art Unit: 3764

Filed: April 24, 2001

Examiner: Nicholas Lucchesi

For: TRANSPORTABLE APPARATUS FOR TREATING MENIERE'S DISEASE

via FACSIMILE - (703) 872-9306

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE

Sir:

In a telephone contact on July 16, 2004 with the Office of Petitions (703-305-9285), we were advised that the Patent Office has no record of receiving our Request for Revival of Abandoned Application due to Non-Receipt of Office Action filed November 25, 2003.

Another copy is enclosed.

A prompt response is requested.

I hereby certify that this correspondence is being faxed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at (703) 872-9306, on July 16, 2004

James A. Finder

Name of applicant, assignee or
Registered Representative

Signature

July 16, 2004

Date of Signature

Respectfully submitted,



James A. Finder

Registration No.: 30,173

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

JAF:msd

Enclosure

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P/2432-38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Daniel ENGVALL et al.

Date: November 25, 2003

Serial No.: 09/763,312

Group Art Unit: 3764

Filed: April 24, 2001

Examiner: Nicholas Lucchesi

For: TRANSPORTABLE APPARATUS FOR TREATING MENIERE'S DISEASE

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REVIVAL OF ABANDONED APPLICATION
DUE TO NON-RECEIPT OF OFFICE ACTION

Sir:

It is requested that this application be revived and that the abandonment be set aside because the undersigned, attorney for Applicant, did not receive an Office Action mailed on February 10, 2003 by the U.S. Patent and Trademark Office.

This application was filed in the U.S. Patent and Trademark Office and was accorded a filing date of April 24, 2001. (No filing receipt has been received on this application from the U.S. Patent and Trademark Office.)

Also, no Office Action has ever been received in this office for this application. We have been informed and believe, based upon the enclosed communication just received from the U.S. Patent and Trademark Office, that an Office Action had been mailed in this Application on February 10, 2003. This Office Action was not received at this office.

As a routine manner because we did not receive an Office Action after the passage of eighteen months from the U.S. filing date, we sent a routine Status Inquiry Letter as to the status of this application in October 2002 to which no response was ever received.

00637473.1

For many U.S. application where no response has been filed to an Office Action, an Examiner has telephoned us after expiration of the time for response to inquire whether a response had been filed and whether the application has been abandoned. I note that did not happen in this case. (There is a pattern of nothing in this application file being sent to us.)

A second Status Inquiry Letter was mailed on November 6, 2003, one year later. Although we did not receive a response to our first Status Inquiry Letter, we did receive a response to the second letter, the attached communication. The first communication we have received from the U.S. Patent and Trademark Office relating to this application since March 27, 2001 was a Notice of Abandonment.

Our office has a docket of many United States patent applications and our routine procedure is that all incoming mail from the U.S. Patent and Trademark Office of whatever type first passes our docketing department to have docket and response date entries made, so that we are sure to timely respond to communications from the Patent and Trademark Office. Based upon our usual practice with respect to all mail received from the U.S. Patent and Trademark Office and the fact that we virtually never fail to have any communications from the Patent and Trademark Office docketed in our docket system, I conclude that the Office Action of February 10, 2003 was never received at this office. We still have not seen a copy of it.

Therefore, the following is requested:

- (1) Please send us a copy of the Official Filing Receipt;
- (2) Please send us a copy of the Office Action of February 10, 2003;
- (3) please set aside the abandonment without our having to file a Request to Revive under 37 C.F.R. § 1.137 since the abandonment occurred not through any action or inaction by the Applicant, but rather because the Office Action was never received in the office of the undersigned, who has the Power of Attorney; and
- (4) Please set a new date for response to the first Office Action, measured at three months from the retransmission of the Office Action to the undersigned.

I further declare that all statements made herein are made of my own knowledge and are true except for those statements made on information and belief and statements made on information and belief are believed to be true; and further that these statements were made with

the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this declaration, this application and any patent issued thereon.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 25, 2003:

Robert C. Faber

Name of applicant, assignee or
Registered Representative

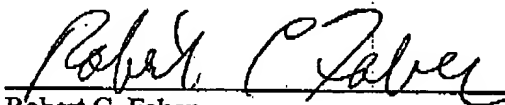


Signature

November 25, 2003

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF:mjb

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Larry I. Schwartz
United States Patent & Trademark Office
Customer Service Center, Technology Center 3700



703/306-5648

Date: 11/17/03

Total # of pages including cover sheet: 1

To: Robert Faber

Recipient Fax:

From: Larry I. Schwartz
Administrator
Customer Service Center

Sender Fax: 703-872-9301

Memo:

In response to your status inquiry:

Application 09763312 is currently in Status: 161 /ABANDONED -- FAILURE TO RESPOND TO AN OFFICE ACTION as of 02/10/2003. The application is currently assigned to LUCCHESI, NICHOLAS Group Art Unit: 3764. The docketed class/subclass is 601/076.000.

NOV 21 2003

OFGS FILE No.	P/2432-38

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P/2432-38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Date: November 6, 2003

ENGVALL, Daniel et al.

Group Art Unit: --

Serial No.: 09/763,312

Examiner: --

Filed: April 24, 2001

For: TRANSPORTABLE APPARATUS FOR TREATING MENIERE'S DISEASE

Commissioner for Patents

P.O. Box 1450

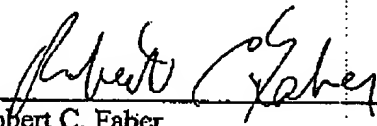
Alexandria, Virginia 22313-1450

STATUS INQUIRY LETTER

Sir:

Our records indicate we filed the above application with the U.S. Patent and Trademark Office on April 24, 2001, as well as a first status inquiry request of October 28, 2002. As of this date, we have not received a first Office Action from the Patent Office. Kindly advise us of the status of this application.

Respectfully submitted,



Robert C. Faber

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1180 Avenue of the Americas

New York, New York 10036-8403

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RCF/bam

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OFGS File No: P/2432-38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
ENGVAL, Daniel et al

New York, New York

Date: October 28, 2002

Serial No.: 09/763,312

Group Art Unit:

Date Filed: April 24, 2001

For: TRANSPORTABLE APPARATUS FOR TREATING MENIERE'S DISEASE

Asst. Commissioner for Patents
Washington, D.C. 20231


STATUS INQUIRY LETTER

Sir:

We filed the above application with the U. S. Patent and Trademark Office on April 24, 2001.

As of this date, we have not received a first Office Action from the Patent Office. Kindly advise us of the status of this application.

Respectfully Submitted,


Attorney: Robert C. Faber
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1180 Avenue of the Americas
New York, New York 10036-8403
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P023/2432-0038

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JUL 16 2004

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CONNECTICUT BARFACSIMILE TRANSMITTAL SHEET**DATE: July 16, 2004NUMBER OF PAGES, INCLUDING COVER: 8

TO:

NAME/COMPANY	FACSIMILE NO.	
U.S. Patent and Trademark Office Group Art Unit: 3764	(703) 872-9306	<input type="checkbox"/> SUCCESSFULLY FAXED
		<input type="checkbox"/> SUCCESSFULLY FAXED
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FROM: James A. FinderOFGS FILE NO.: P/222-54 RETURN TO: Marlene**IF YOU DID NOT RECEIVE ALL THE PAGES, PLEASE PHONE (212) 382-0700 AS SOON AS POSSIBLE.**

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MESSAGE: